

REMARKS

The non-final Office Action and references cited therein have been reviewed. the Examiner rejected claims 23-48, 50-53, 55-57, 60 and 61 and objected to claims 49, 54, 58, 59 and 62-64.

THE SECTION 112 REJECTIONS

Claims 23-43, 50 and 51 were rejected under 35 U.S.C. §112(2) for being indefinite. Applicant has amended the claims to correct the dependency of the claims and to correct the lack of antecedent basis of several of the claims.

Applicant submits that all the pending claims are in proper format pursuant to 35 U.S.C. §112.

THE SECTION 102 REJECTIONS

Claims 23-26, 34-36, 39 and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by Schanzer. Claims 44-48, 52, 53, 55, 56, 60 and 61 were rejected under 35 U.S.C. §102(b) as being anticipated by Bice.

A. Schanzer

Schanzer discloses a flight control apparatus for controlling the trajectory of an airplane. This flight control apparatus is always engaged during the flight of the aircraft so as to constantly adjust one or more operations of the aircraft. The emergency navigation system as defined in claim 23 does not control the navigation of the aircraft until after some predefined flight parameter has been deviated from by some predefined amount. This concept is not disclosed taught or suggested by Schanzer.

Claim 23 also requires that a comparator device is used to compare actual flight parameter data at a particular time and/or at a particular location to predefined flight parameter data for the particular time and/or the particular location. Schanzer does not disclose, teach or suggest the use

of predefined flight parameter data that is correlated to a particular time and/or particular location so as to control the navigation of the aircraft.

For at least one or both of the reasons set forth above, Schanzer does not anticipate or make obvious any of the claims pending in the above-identified patent application.

Claim 35 has been amended to require that there are sufficient components and/or data of the emergency navigation system such that the components located in the cockpit and located remotely to the cockpit can each control the navigation of the aircraft. Schanzer does not disclose, teach or suggest such a navigational arrangement. For at least this additional reason, claim 35 is not anticipated by Schanzer.

Claim 40 has been amended to clarify that the predefined value is not constant for at least one flight parameter. Schanzer does not disclose the use of predefined data that is not constant. Schanzer discloses that data is calculated to make adjustments in navigation; however, such calculated data is not predefined data. For at least this additional reason, claim 40 is not anticipated by Schanzer.

B. Bice

Bice discloses a ground collision avoidance control. The controller constantly monitors the altitude of the aircraft and when the controller determines that the aircraft is losing altitude at an unacceptable rate, the controller takes over the control of the aircraft and institutes an automatic flyup to avoid collision with the ground.

Claim 44 is directed to a method that includes the step of using at least one predefined flight parameter that corresponds to a particular location and/or to a particular time during the flight of the aircraft to cause an emergency navigational system to activate a navigational controller after determining the monitored flight parameter exceeds a predefined deviation from the predefined flight

parameter.

Bice does not disclose, teach or suggest the use of predefined flight parameter data that is correlated to a particular time and/or particular location so as to control the navigation of the aircraft. Bice only disclose that a predefined altitude and/or altitude loss is used to activate a controller to avoid collision with the ground.

For at least the reason set forth above, Bice does not anticipated or make obvious any of the claims pending in the above-identified patent application.

THE SECTION 103 REJECTIONS

Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schanzer in view of Onken. Claims 31 and 32 were rejected under 35 U.S.C. §102(b) as being unpatentable over Schanzer in view of Bice. Claim 57 was rejected under 35 U.S.C. §102(b) as being unpatentable over Bice.

A. Claim 27

Claim 27 has been amended to clarify that the new flight path is a preprogrammed flight path, not a recalculated flight path as disclosed in Onken. For at least this reason, Schanzer in combination with Onken does not make obvious claim 27.

B. Claims 31 and 32

Claim 31 defines a database that at least partially stores predefined flight parameter data prior to flight of the aircraft. As set forth above, none of the references disclose, teach or suggest the use of predefined flight parameter data that is correlated to a particular time and/or particular location for use in controlling the activation of an emergency navigation system on an aircraft. For at least this reason, Schanzer in combination with Bice does not make obvious claims 31 or 32.

C. Claim 57

Claim 57 includes the limitations of the use of a secondary emergency navigational system. As set forth above, Bice does not disclose, teach or suggest the use of an emergency navigational system as defined in claim 44. The Examiner acknowledged that Bice is absent any teachings regarding the use of redundant navigation systems. Since Bice does not disclose, teach or suggest the use of an emergency navigational system as defined in the claims, Bice cannot be used to make obvious the limitation set forth in claim 57.

Applicant submits that all the claims pending in the above-identified patent application are allowable over the cited art of record.

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